

Starting a New Food Business

Useful Information and Advice

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carmarthenshire.gov.wales

Cyngor **Sir Gâr**
Carmarthenshire
County Council



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CHECKLIST – NEW FOOD BUSINESS

| CHECKLIST | YES | NO |
|--|-----|----|
| Have you registered your premises with the Local Authority? (See Page 6) | | |
| Do you need a licence for selling liquor, opening late, providing public entertainment or for selling food in the street? (See Page 4) | | |
| Do you need planning permission? (See Page 4) | | |
| Do you need to consult building control? (See Page 4) | | |
| Have you made provisions for the smoking ban? (See Page 4) | | |
| Have you considered incorporating disabled facilities for disabled persons? (See Page 5) | | |
| Have you sorted out your utilities e.g. gas, electric, water? (See Page 22) | | |
| Have you considered how much waste you will produce, where you will store it? How will you keep the facilities clean? Have you organised a registered waste carrier to remove it? (See Page 14) | | |
| Have you made plans for removal of your waste cooking oil from the premises? (See Page 14) | | |
| Is your premises pest proofed, do you have a pest control contract? (See Page 15) | | |
| Does the design and condition of your premises meet the legal requirements? (See Page 7) | | |
| Are the walls, floors, ceilings and doors constructed out of appropriate materials? (See Page 10-11) | | |
| Is the structure in good repair and free from damp and mould? (See Page 13) | | |
| Do you have adequate space for the storage and preparation of food? (See Page 12) | | |
| Are high and low risk foods kept separate? (See Page 12) | | |
| Is there adequate space to work safely? (See Page 12) | | |
| Have you put a food safety management system in place? (See Page 7) | | |
| Are you and your staff adequately trained and aware of the principles of good food hygiene? (See Page 17) | | |
| Have you written a health and safety policy (if you have over 5 employees)? (See Page 19) | | |
| Have you considered fire safety, do you have adequate means of escape? (See Page 18) | | |
| Are the lighting, heating and ventilation adequate? (See Page 13) | | |
| Are all cleaning materials and chemicals stored correctly? (See Page 15) | | |
| Do you have enough of the right equipment? (See Page 12) | | |
| Can the equipment be easily moved for access when cleaning? (See Page 15) | | |

| CHECKLIST – NEW FOOD BUSINESS | YES | NO |
|--|-----|----|
| Do you have enough washing facilities for: <ul style="list-style-type: none"> - Hand washing - Food washing - Equipment washing (See Page 12,13) | | |
| Have you taken adequate measures to ensure temperature control of food? (See Page 16) | | |
| Do you have a cleaning schedule? (See Page 15) | | |
| Have you provided adequate toilet facilities for staff (See Page 16) | | |
| Do you have secure changing facilities for your staff? (See Page 16) | | |
| Have you provided your staff with the correct protective clothing? (See Page 16) | | |
| Have you got adequate provision for first aid? (See Page 19) | | |
| Do you have an illness policy and have you made staff aware of it? (See Page 16) | | |
| Have you made adequate provisions to ensure traceability of food? (See Page 8) | | |

INTRODUCTION

The primary aim of this guide is to help people who are thinking about or who are in the process of setting up a new food business, and to give information on how to comply with:

- Food Safety Act 1990
- Food Hygiene (Wales) Regulations 2006
- Regulation EC No 852/2004

Remember every food business poses different problems depending on the type of food produced. The type of food, how it is handled, treated and stored must all be considered when deciding if there is a risk to safety.

Please ensure compliance with the requirements of this document prior to starting up your food business.

What is a food business?

A Food Business is:

Any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food.

A Food Business operator is:

The natural or legal person responsible for ensuring that the requirements of food law are met within the food business under their control.

Food should not be:

Placed on the market if it is **unsafe**. Food shall be deemed to be unsafe if it is considered to be:

- (A) Injurious to health;
- (B) Unfit for human consumption.

Food "For Sale" is:

Food located anywhere within a food premises and is intended for sale or is offered as a prize or reward or given away for the purposes of promotion or advertising.

WARNING



REGULATION EC No 853/2004

If you run or intend to start up a business which makes or handles food of animal origin (other than selling them only to the final consumer) your premises may have to be APPROVED. If this is the case then a whole new and more stringent set of rules applies to you. For example, you will need to put an identification mark on your products, (or a health mark in the case of red meat carcasses). You have to comply with the general hygiene requirements and also with some specific requirements which vary depending on the types of product you make.

If you intend to start up a new food business which comes under this heading then it is important that you discuss it immediately with our Food Safety Officers who will be able to give you some more specific information.

You can contact us at:



publicprotection@carmarthenshire.gov.uk



www.carmarthenshire.gov.uk

PLANNING, BUILDING

REGULATIONS &

LICENCES

Planning Permission

If you are starting a food business in a premises which is presently not used for this purpose, or you are changing from one type of food business to another you may need planning permission. Please check with the Planning Service who can be contacted using the details overleaf:

 planning@carmarthenshire.gov.uk

 01267 224884

 01267 237612

Building Regulations

If you are building a new food premises or changing an existing building to accommodate a new food business, you will require Building Regulation Approval. The Building Control department can be contacted on:

 01267 246012 / 246015

 01267 246017

 building.control@carmarthenshire.gov.uk

Licensing your Food Premises

If you intend to carry out licensable activities at your premises, namely:

- Retail sale of alcohol
- Supply of alcohol by a club
- Regulated entertainment (music/dance/films/plays/boxing or wrestling/indoor sporting event)
- Late night refreshment (sale of hot food or drink 23.00 – 05.00 hrs)

You will need to have an authorisation under the Licensing Act 2003.

These can be through a Premises Licence, club premises certificate or temporary event notice.

If you sell alcohol under a premises licence, you will need to appoint a designated premises supervisor who has a personal licence.

A personal licence has to be obtained from the Licensing Authority where you reside. Amongst the requirements you will need a specified licensing qualification and a recognised criminal record check showing you do not have any relevant offences.

Club premises certificates relate to members' clubs, where all profits are returned to the club for the benefit of those members. These clubs are exempt from certain requirements under the Licensing Act 2003.

Temporary event notices can be submitted for occasional licensable activities. There are restrictions on their length of time and number of events per year for both premises and persons.

Smoke Free Carmarthenshire

The law banning smoking in enclosed public places in Wales came into force on 2nd April 2007.

The aim of the smoking law is to protect workers and the general public from the harmful effects of second-hand smoke.

The law creates three specific offences:

- Failing to display no-smoking signs in premises covered by the law.
- Smoking in a smoke-free place.
- Failing to prevent smoking in a smoke-free place.

There are very few exemptions to the smoking ban.

For information on the above matters please contact the:

Licensing Section, Public Protection, 3 Spilman Street, Carmarthen, Carmarthenshire SA31 1LE

 publicprotection@carmarthenshire.gov.uk

The new law affects most public premises, including restaurants, pubs, bars, shops, cinemas, shopping centres, leisure centres, other enclosed workplaces and public transport.

For more information regarding the smoking ban contact the Environmental Protection Section.

Underage Sales

It is an offence to sell alcohol to a person under 18.

If an age-restricted product is sold to an underage person, even if they claim it is for an adult, the retailer and the salesperson can be guilty of a criminal offence. Anyone who sells age-restricted products should be fully aware of the age limits, adequately trained and aware of company procedures and policies to ensure that no sale ever takes place to an underage person.

For more information on underage sales contact the Carmarthenshire County Council's Trading Standards Division.

 **01267 234567**

 **tradingstandards@carmarthenshire.gov.uk**

Employment of Young

Persons

The **Management of Health & Safety at Work Regulations 1999** require you to assess the health and safety risks to all your employees and to identify what you need to do to comply with your legal duties to prevent or control those risks and ensure your employees' health and safety. Under the regulations you have particular responsibilities towards young people:

- To assess risks to all young people under 18 years of age, before they start work;
- To ensure your risk assessment takes into account their psychological or physical immaturity, inexperience, and lack of awareness of existing or potential risks;
- To introduce control measures to eliminate or minimise the risks, so far as is reasonably practicable.

You must also:

- Let the parents/guardians of any children still of compulsory school age know the key findings of the risk assessment and the control measures you have introduced before the child starts work or work experience;
- Address certain specified factors in the risk assessment;
- Take account of the risk assessment in deciding whether the young people should be prohibited from certain work activities, except in specified circumstances.

CHILDREN CANNOT ENTER FULL TIME EMPLOYMENT UNTIL AFTER THE SCHOOL LEAVING DATE.

The Government has introduced a single school leaving date. The date is the last Friday in June in the school year in which a pupil reaches the age of 16yrs. Should you employ a young person either in paid or unpaid work he/ she will need an employment permit.

Before compulsory school leaving age young people may not work in a commercial kitchen. However, they may work in a waiter/ waitressing role. This information is for guidance only. There are bye-laws regulating child employment.

Disability Considerations

Under the Disability Discrimination Act 1995 you have a legal duty to do what you reasonably can to make your services easier to use by disabled customers. Many of the improvements that can be made will also benefit other customers, such as parents with pushchairs, people carrying heavy shopping and some older people who may not consider themselves as disabled but for whom easier access would be a great benefit.

For more information please contact:

The Education and Welfare Section of Department of Education and Children's Services

 **01267 224570**

What is a physical feature? Here is a long but not exhaustive list: steps, stairways, kerbs, exterior surfaces and paving, parking areas, building entrances and exits (including emergency escape routes), internal and external doors, gates, toilet and washing facilities, public facilities (such as telephones, counters or service desks), lighting and ventilation, lifts and escalators.

Guide Dogs

Disabled people who use assistance dogs quite often experience discrimination in doing everyday things other people take for granted. This is because shops, restaurants and other businesses sometimes object to it. It is against the law to discriminate in this way.

Because of their training and skills the Chartered Institute of Environmental Health have stated that assistance dogs are exempt from the usual hygiene rules that apply to dogs including those that relate to areas where food is being served.

For more information on disabled facilities and the Disability Discrimination Act you can contact the Equality and Human Rights Commission:

 **0845 604 6610 (Wales)**

Main Office Cardiff:

 **02920 447710 (non helpline calls only)**

Textphone:

 **02920 447713**

 **02920 447712**

 **wales@equalityhumanrights.com**

Food Premises Registration

It is a legal requirement that food business operators register their establishments with the appropriate competent authority (Carmarthenshire County Council).

Anyone starting a new food business operation must register with the Local Authority at least 28 days before commencing food operations. Registration is free and can be achieved by completing an "Application for the Registration of a Food Business Establishment" form.

To arrange to be sent a form please contact the relevant council office to your area.

 **publicprotection@carmarthenshire.gov.uk**

 **www.carmarthenshire.gov.uk**

WARNING



If you are planning on setting up a business that cares for vulnerable people e.g. elderly, toddler and children's groups you will need to register with the Care and Social Services Inspectorate Wales (CSSIW) before you even think about registering with the Local Authority and opening your business.

The CSSIW can be contacted on:
CSSIW

National Assembly of Wales, Government Buildings, Picton Terrace, Carmarthen, Carmarthenshire. SA31 3BT

 **01267 245184**  **01267 242924**

FOOD SAFETY

LEGISLATION

If you are running or thinking of starting a new food business you have a duty to ensure that all food being produced and sold is both safe and wholesome.

The **Food Safety Act 1990, Food Hygiene (Wales) Regulations 2006, EC Regulation No 852/2004** specify the standards that you must meet in order to ensure food safety.

The following section gives advice on structural requirements, types of equipment, facilities and some food hygiene practices you will need to adopt to comply with the above legislation.

Food Safety Management

Before you start thinking about anything else, you need to consider the food you wish to prepare and serve and construct your **FOOD SAFETY MANAGEMENT SYSTEM**.

The law requires all food businesses to have a documented food safety management system in place based on the principle of Hazard Analysis Critical Control Points or **HACCP**.

HACCP is an internationally recognised system of food safety management. It focuses on identifying the critical points in a process where food safety problems (or hazards) could arise and putting steps in place to prevent things going wrong. Keeping records is an essential part of the HACCP system.

Why do you need a food safety management system? The following points will provide some answers:

- It is legal requirement for all food businesses.
- It helps to prevent problems rather than reacting to them after they have happened.
- If your business is taken to court you may be able to demonstrate that you had exercised diligence through arrangements in place to prevent an offence being committed.
- It helps ensure food is safe for customers to eat.

THE SEVEN PRINCIPLES OF HACCP

HACCP means Hazard Analysis Critical Control Points. This is a process that helps you look at how you handle food and introduce procedures to make sure the food you produce is safe to eat.

HACCP involves the following **seven steps**:

1. Identify what could go wrong (**the hazards**).
2. Identify the most important points where things can go wrong (the **Critical Control Points-CCPs**).
3. Set critical limits at each CCP (e.g. **cooking temperature/time**).
4. Set up checks at CCPs to prevent problems occurring (**monitoring**).
5. Decide what to do if something goes wrong (**corrective action**).
6. Prove that your HACCP plan is working (**verification**).
7. Keep records of all the above (**documentation**).

Your HACCP plan must be kept up to date. You will need to review it from time to time, especially whenever something in your food operation changes.

Remember that, even with a HACCP plan in place, you must comply with all requirements of current food safety legislation.

The type of system you will need depends on the size and type of the business.

For small food businesses the Food Standards Agency has developed a pack "**Safer Food, Better Business**". This is an innovative and practical approach to food safety management and there are packs available for both Caterers and Retailers.

If you have difficulty accessing this information electronically and would like to order a hard-copy of either of these packs call

 0845 606 0667 or email

 foodstandards@ecgroup.uk.com.

Labelling and Composition

There are different standards that need to be adhered to depending on whether you will be catering or a food retailer. Nevertheless, you have to ensure that the food you sell is properly labelled and that the food you are using or selling is within its use by dates. In addition the food that you sell must not contain any harmful levels of additives such as artificial colours or preservatives. Similarly, if your food contains ingredients that are irradiated, or genetically modified (GM), you must declare this on the food label, on the menu, or on a notice visible to your customers.

Businesses that are planning to manufacture food to be sold to food retailers **MUST** ensure that their food is labelled in accordance with the FOOD LABELLING REGULATIONS. For more information on Food Standards please contact the Environmental Protection Section.

 publicprotection@carmarthenshire.gov.uk

Below are brief checklists giving guidance to retailers and caterers.

Food Retailers

- Use By / Best before dates followed.
- If food is packed and supplied for sale elsewhere it needs to be properly labelled using food grade packaging.
- Pre-packed foods brought in must be properly labelled in English.
- You must describe food accurately on menus, blackboards and adverts. For example, if it is advertised as a fillet steak the product must be a fillet steak and not a cheaper cut.

Caterers

- Use By / Best before dates followed.
- If food is packed and supplied for sale elsewhere it needs to be properly labelled using food grade packaging.
- Dishes on menu must be described accurately.
- Any description of food/ advertisement must not mislead the customer.
- Food that you sell must not contain any harmful levels of additives such as artificial colours or preservatives.
- Claims in the menus must be genuine e.g. GM free, vegetarian.

Traceability

Under Article 18 of EC Regulation No 178/2002, food businesses are required to:

- Identify their suppliers of food, food-producing animals and any other substance intended or expected to be incorporated into food;
- Identify the businesses to which they have supplied products; and
- Produce this information to the competent authorities on demand.

Food businesses should be able to:

- Identify the name and address of suppliers of food, feed, food-producing animals and ingredients.
- Identify the customers to which you have supplied products.
- Identify the date of delivery or despatch .
- Identify the volume or quantity delivered or dispatched.
- Maintain appropriate records and ensure that such information can be provided to authorities on demand.

Preventing and Responding to Food Incidents

An incident is when there are concerns about actual or suspected threats to the safety or the quality of food, including when food does not meet legal requirements.

All businesses, irrespective of size, should be taking all reasonable precautions to ensure that the produce they supply meets safety requirement.

Actions you can take may include the following:

- Source your raw materials and ingredients from suppliers that have registered with their local enforcement authority.
- Source your raw materials and ingredients from suppliers that have recognised certification or have demonstrated that they are working to good-practice systems and procedures.
- Ask your suppliers if they routinely check that their raw materials and ingredients comply with relevant legislation.

What to do if a food incident

happens

Businesses are legally required to inform their local authority, port health authority and the Food Standards Agency if there is reason to believe that food or feed is not compliant with food or feed safety requirements. If in any doubt, contact your local authority, or the FSA.

Businesses must immediately notify the Food Standards Agency if their food is considered injurious to health.

 **020 7276 8448**

(out of hours:  **020 7270 8960**)

Alternatively, inform the FSA online, using the incident notification report form at:

 **www.food.gov.uk/foodindustry/regulation/foodfeedform**

Businesses must also notify their local authority

Food Standards Agency or local authority will advise you of any action you might need to take. Businesses should immediately withdraw, or if necessary recall, food if they have reason to believe it is unsafe.

If the products do not meet food standards requirements, such as labelling or quality issues, where there is no safety issue, then you might wish to ensure that products are withdrawn, rather than risk prosecution.

- 'Recall' means that food is removed from the market, where the food has reached customers and they are advised, for example by means of public notices and other publicity, to return or destroy food supplied to them. The advice given to the customer will include the reason for the recall.
- 'Withdrawn' means that food is removed from the market up to and including the retail stage, but customers are not asked to return or destroy the product.

DESIGN AND

LAYOUT OF FOOD

PREMISES

The design and layout of a food premises will vary considerably depending on the:

- Type of food you will be producing, handling or selling
- The amount and type of equipment you will need
- The space that is required.

The layout, design, construction and size of premises must:

- Avoid the accumulation of dirt in places inaccessible to cleaning.
- Allow food to be prepared safely
- Allow effective cleaning

The ideal aim of any kitchen layout is to have everything moving forward in orderly progression from delivery to food

preparation, cooking, service and washing up. The layout should be planned with a clear idea of the purpose of every room

Construction materials must not include any substance that may add toxic material to food either by direct contact or vapour.

Design and construction, especially of high level surfaces, should avoid finishes that may lead to shedding of particles such as flaking paint, plaster or fibres.

PLAN AHEAD!! Design for what you will be doing in the future, not what you are doing now. For example if you are opening a take away will you want to provide tables and chairs for customers in the future? If you run a pub will you want to provide Sunday dinners?

If you are planning a new kitchen get the plans laid down on paper and contact the Environmental Protection Section. Prevent the problems before they start!

Floors

In rooms where food is prepared, treated or processed:

Floor surfaces must be maintained in a sound condition and they must be easy to clean and, where necessary, disinfect. This will require the use of impervious, non absorbent, washable and non-toxic materials, unless the proprietor of the food business can satisfy the food authority (Carmarthenshire County Council) that other materials used are appropriate.

Assuming that they are properly installed, floor surfaces that would comply with this requirement include: **Flooring tiles (quarry, ceramic or vinyl), vinyl safety flooring, Terrazzo, Cast in situ resin flooring.**

Floors must be designed to prevent pooling of water in normal use. Where there may be significant spillage onto floors or wet cleaning (hoses) is used, floor drains may be provided. In this case the floor levels must fall towards the drains.

Walls

Wall surfaces must be maintained in a sound condition and they must be easy to clean and, where necessarily, disinfect.

Wall surfaces immediately behind food preparation surfaces or equipment must be able to be disinfected periodically to reduce the risk of food contamination.

This will require the use of impervious, non-absorbent, washable and non-toxic materials and require a smooth surface up to a height appropriate for the operations, unless the proprietor of the food business can satisfy the food authority (Carmarthenshire County Council) that other materials used are appropriate.

Assuming that they are properly installed, wall surfaces that would comply with this requirement include:

Washable painted plaster; epoxy resin and similar coatings; ceramic tiles; stainless steel sheeting;

PVC, GRP and other proprietary sheeting. The wall surfaces must be cleanable to a height which might be expected to become soiled with food debris under normal operations.

Ceilings

Ceilings and overhead fixtures must be designed, constructed and finished to prevent the accumulation of dirt and reduce condensation, the growth of undesirable moulds and the shedding of particles.

Ceiling or overhead surfaces that would comply with this requirement, (assuming that they are properly

fixed, applied or installed) include:

- Smooth washable painted plaster
- Direct fixed ceiling systems
- Suspended ceilings

Any surface must be capable of being cleaned.

The inner surface of a roof structure will provide an acceptable surface provided that it is in a sound state of repair and cleanable.

Ceiling materials and design play an important part in reducing condensation in conjunction with the ventilation system.

Ceilings must be periodically maintained to remove any mould build up or any other particles or debris that could fall into food.

Polystyrene or fibre tiles would not be suitable in high humidity locations.

Windows

Windows and other openings must be constructed to prevent the accumulation of dirt.

They must allow effective cleaning and prevent the accumulation of dirt.

Windows must be screened if:

(a) They open directly into food preparation areas,
AND

(b) They are opened for ventilation during food preparation,

AND

(c) Screening is necessary to prevent a risk of infestation and/or contamination. Where dirt build-up on insect proof screens may present a risk of food contamination, the screens must be designed to be easily removed for cleaning.

Doors

Any door used by staff who handle open food during work activity may be a source of contamination, especially if staff are likely to touch the door with their hands. These doors must be capable of disinfection.

Door furniture likely to come into hand contact such as finger plates and handles must also be capable of disinfection. A variety of smooth impervious surfaces are available. A cleanable paint or sealed finish would comply. Unsealed wood does NOT comply.

Swing doors with kick plates or push plates are preferable to doors with handles.

Surfaces

Surfaces (including surfaces of equipment) in contact with food must be maintained in a sound condition and be easy to clean and, where necessary, disinfect. This will require the use of smooth, washable and non-toxic materials.

Other surfaces that do not normally come into direct contact with food but are in close proximity could contaminate food if dirty, for example the outer casings of equipment must also comply.

Surfaces which would comply with this requirement (assuming that they are properly fixed, applied or installed and maintained) include:

- Stainless steel
- Ceramics
- Food grade plastics

Space / Separation of

Working Areas

There must be enough space in storage and food preparation rooms to allow high risk food to be prepared on separate work surfaces and equipment.

If the handling of low and high risk foods happens at different times, the same area may be used provided it is able to be properly cleaned and disinfected between operations.

It is almost inevitable that you will need more space than what you first envisage. Remember it is advisable to have adequate storage space for all food items, all dry goods, all vegetables and all frozen and chilled foods. Consider how many fridges and freezers you need. Do you have adequate space?

Will there be adequate space around any planned hot fat fryers, food slicers etc to allow staff to move around the kitchen safely?

Equipment

All items that come into contact with food, including the packaging must:

- Have a durable construction and be resistant to corrosion, especially those that will come into contact with powerful cleaning chemicals.
- Be kept in a good state of repair that enables them to be kept clean and, where necessary, to be disinfected
- Be effectively cleaned and, where necessary disinfected frequently enough to avoid contamination
- Be installed so that the surrounding area can be effectively cleaned
- Be maintained at a high level of efficiency

N.B Equipment needs to be durable. "Domestic" appliances rarely stand up to the wear and tear of commercial kitchens. Commercial ovens, ranges, fridges and freezers are commonly required.

Washing Equipment for Food

and Equipment

Where necessary, adequate facilities must be provided for the cleaning and disinfecting of work tools and equipment. These facilities must be constructed of materials resistant to corrosion and must be easy to clean and have an adequate supply of hot and coldwater.

Sinks used for washing utensils should NOT be used for the preparation of vegetables, meat or fish or for hand washing.

Suitable equipment will include:

- **Sinks together with detergents and disinfectants for manual equipment cleaning. (Sinks must be large enough to deal with the equipment normally used in the premises).**
- **Sterilising sinks.**
- **Automatic spray wash machines (dishwashers).**
- **Hoses or other equipment for cleaning and disinfection of fixed equipment.**

Sinks and draining boards should have a smooth, hard, even surface and are best constructed of non corrosive metal (e.g. stainless steel).

Sinks used for washing up should be small enough to ensure frequent replenishment of hot water but large enough to take the largest dishes comfortably.

It is desirable to have a sink fitted with a spray hose for washing down the sink and draining boards, and a removable strainer in the waste pipe for trapping crumbs.

Drying of equipment must not cause recontamination, for example from soiled cloths. Space for air drying of equipment is a suitable alternative.

A single mixer tap is acceptable, or water supplied at a regulated temperature from a heating unit.

It is good practice to provide facilities for draining and drying of equipment close to the area where it was washed. Where crockery, glass and cutlery are washed by hand, it is good practice to use a food approved detergent and disinfectant. It is good practice in larger operations to use mechanical dish, glass or pot wash.

Wash Hand Basins

The number of washbasins will depend on the size of the business and the size and layout of the premises.

Wash basins must be located close to toilet facilities and also at strategic places in the premises so that any worker has convenient access to them.

Wash basins must be used for hand washing ONLY.

Washbasins for cleaning hands must be provided with hot and cold (or appropriately mixed) running water and a supply of soap or detergent must be provided for cleaning hands.

Drying facilities may include:

- Disposable paper
- Roller paper cabinet towels
- Washable fabric 'roller towels' in cabinets
- Warm air dryers

It is good practice to supply warm water for hand washing at about 45 degrees through a single tap which is preferably not operated by hand. It is good practice to use bacterial detergent from a dispenser.

Any towel on which the same part can be used more than once is not recommended.

It is good practice to have signs to identify designated '**HAND WASH BASINS**'.

It is good catering practice to site wash basins by the entrance to kitchens. In larger premises extra wash basins may be needed especially where 'high risk' foods are handled.

Lighting

Adequate natural and/or artificial lighting must be provided to all parts of the premises.

Recommended illumination levels range from 150 Lux in store rooms to 500 Lux in food preparation areas.

Adequate lighting will ensure that work can be carried out easily and safely. Good lighting will also ensure that cleaning is being carried out properly.

Ventilation Systems and

Temperature

Installing or replacing external fume extraction systems may require Planning Permission. Please check with the Planning Service who can be contacted using the details below:

📞 01267 246012

📠 01267 237612

✉️ planning@carmarthenshire.gov.uk

Any growth of mould within the fabric of the building is undesirable. Design, construction, layout, and size of the premises must be planned to avoid the build-up of condensation. An effective ventilation system may help to reduce the build up of such occurrences.

N.B. You are also advised to consult our Pollution team to ensure the ventilation system will not cause a public health nuisance i.e. noise or odour complaints.

Natural or mechanical ventilation must be provided to ensure that heat and/or humidity do not build up to levels that could compromise the safety of food.

Air mechanically drawn into 'clean' preparation rooms, producing ready to eat food must not be drawn from dirty areas such as waste storage areas or rooms used for 'dirty' processes such as pot wash.

Ventilation systems must be so constructed as to enable filters and other parts requiring cleaning or replacement to be readily accessible.

As a target ambient temperatures should be below 25° C. Natural ventilation in rooms where food is cooked will only be suitable in small premises and where there is low heat input into the room.




Some rooms such as kitchens, especially if large scale cooking is proposed, are likely to require mechanical ventilation. The provision of a new ventilation system will require the services of a professional contractor who will advise on elements of performance and design. If installing a new ventilation system you should also consider the potential noise impact on neighbouring properties.

The ventilation in catering areas should be such that exposure to carbon monoxide should never be more than 30 parts per million (ppm) in 10 minutes. The average over an 8 hour work shift should not be more than 9 ppm.

Refuse

Food waste and other refuse must not be allowed to accumulate in food rooms.

Systems of operation must ensure that refuse containers in food rooms do not become over full and are regularly emptied and removed from the room.

Lids on refuse containers  used for temporary storage of waste in food preparation areas are not required. They are frequently  touched by the hands of food handlers and may be a serious source of contamination. 

Containers must be  constructed of durable material which makes them easy to clean and disinfect.

Any refuse containers used for STORAGE of waste awaiting collection and removal from site should have a lid and be constructed of a durable material which makes them easy to clean and disinfect.

Bins or sack holders used in areas preparing high risk foods must be disinfected more frequently.

Bins must be removed at the end of each trading session from the immediate food preparation area and arrangements made for disposal or collection.

The frequency of collection will depend upon the volume and type of waste. Liquid food waste such as oil and cleaning chemicals must be disposed of safely. It will not normally be acceptable to flush significant quantities into the drain.

Under the **ENVIRONMENTAL PROTECTION ACT 1990** you have a **DUTY OF CARE** regarding how you dispose of your waste. As commercial refuse is not included in your business rates you must pay for an authorised waste carrier to remove your waste from your premises. It will also be necessary for you to keep details in relation to the type of waste, amount produced and details of the company removing waste.

Refuse generated by your business should not be presented for collection with domestic waste; you will breach your duty of care if you allow this to happen.

Waste Oil

If you produce waste cooking oil as part of your catering business then you must ensure that it is stored properly, that none is allowed to spill and that it is collected by an authorised collector who will take your waste to an authorised site for recovery or disposal.

Waste cooking oil must not be poured down drains or sewers because this inevitably leads to blockages and odour or vermin problems and may also pollute watercourses leading to problems for wildlife. Such action could also result in potential prosecution. Nor should waste cooking oil be disposed of with the rest of the catering or kitchen waste because it may cause spillages leading to odour or pollution problems or waste contractors may refuse to remove it.

Waste cooking oil should not be taken to household recycling centres (also known as Civic Amenity sites) for disposal in engine oil banks.

Carmarthenshire County

Councils Commercial Waste

Services

The council operates a waste collection service to businesses throughout the area.

There are a variety of collection methods, including wheeled bins, sacks, stickers and skips. We also offer a 'one off' collection service by arrangement.

We also provide a Commercial Recycling service, collecting, cardboard, glass, paper and cans.

For more information regarding waste removal contact the Carmarthenshire County Councils' Refuse and Waste Collection Department on:

 01267 23456

 direct@carmarthenshire.gov.uk

Drainage

Drains must have sufficient fall to allow all solid and liquid waste to flow away. All appliances connected to the drainage system must be provided with an effective trap. Inspection points must be available, but they must be adequately sealed.

It is recommended that grease traps are installed to prevent the entry of grease into the sewerage system.

Pollution

It is necessary to ensure that your premises is not the cause of a Statutory Nuisance to others in neighbouring properties. This covers matters such as smoke, fumes, gases, dust, steam, smell, noise or accumulations or deposits that are prejudicial to health or a nuisance.

For more information regarding statutory nuisances please contact the Environmental Protection Section.

 publicprotection@carmarthenshire.gov.uk

Pest Proofing

Adequate procedures must be in place to ensure pests are controlled. Pests include animal life unwelcome in food premises, especially insects, birds, rats and mice.

Procedures which should be taken to control pests could include:

- Proofing of entrances and other access points.
- Insect screens.
- Electronic fly killers.
- Good stock rotation of dry goods.
- Regular surveys by competent contractors.
- Baiting with pesticides.

Cleaning Materials/

Schedules

Cleaning materials must be clearly labelled, stored in suitably robust containers, and stored away from food. Under no circumstances should cleaning materials or other hazardous substances be decanted into food containers.

Cleaning chemicals brought into food rooms for use should be handled carefully to prevent contamination of food.

It is good practice to have a separate cleaning schedule for every piece of equipment and every area of the premises.

A cleaning schedule should identify the following:

- **The task to be done.**
- **Frequency of the task.**
- **Cleaning material and chemicals to be used.**
- **The method (including details of strip down and reassembly of the equipment).**
- **Safety Precautions to be taken.**
- **Who does the job.**
- **Standard expected.**

Effective applications of cleaning schedules should be monitored by the manager or supervisor.

Service lifts

If you are thinking of installing a service lift (dumb waiter), the walls of the lift shaft should be smooth. The insides and tops of the lift should be cleaned every day. The haulage apparatus and the lift shaft should be cleaned thoroughly once a week. In this cleaning process particular care should be taken to remove any food particles which have fallen down the shaft. There should be a readily accessible means of access for cleaning the lift shaft. The lift door should be kept tightly shut at both ends when the lift is not in use, particularly at night.

Finally the lift is subject to the requirements of the Lifting Operations and Lifting Equipment Regulations (LOLER) 1995 and is required to be examined by a competent engineer on an annual basis.

Maintenance

You must provide and maintain safe premises and make adequate welfare provisions with respect to:

- Cleanliness and lighting;
- Work areas;
- Temperature and ventilation;
- Condition of floors;
- Falls or falling objects;
- Toilets, washing facilities and drinking water;
- Glazing of doors and windows;
- Window cleaning;
- Traffic routes;
- Escalators, doors and gates;
- Clothing accommodation and changing facilities; and
- Facilities to rest and eat meals including facilities for non-smokers.

Gas installations and electrical systems must be installed and maintained in a safe condition and all pressure systems such as high pressure fryers must be examined and maintained. Gas appliances such as cookers and boilers should be inspected in accordance with manufacturer's instructions, which is usually annually.

Temperature Requirements

Specific temperature requirements are set out in the Food Hygiene (Wales) Regulations 2006.

Good temperature control plays a very important role in preventing food poisoning. High risk foods such as cooked products containing meat, fish, eggs, etc., should be kept at safe temperatures (below 8° c or above 63° c) following thorough cooking. As a general rule of thumb food may not be stored at a temperature above 8° c if it is likely to support the growth of pathogenic organisms or the formation of toxins. Cooked food to be sold hot should be kept at or above 63° c, subject to certain exemptions.

It is recommended that you have a system for checking the temperatures of refrigerators and freezers every day to ensure that food is stored at the correct temperatures. It is recommended that a record be kept of the temperatures.

STAFF ISSUES

Changing Facilities

Provision must be made to allow food handlers to change and to store their street clothes and personal effects away from open foods. Depending upon the size of the operation and numbers of employees, a changing area away from foods and lockable secure cupboards may be adequate to meet this requirement.

Protective Clothing

Clothing must be clean and should be changed regularly to maintain hygienic standards to protect the food from risk of contamination.

It is good practice for ALL visitors to the kitchen (including maintenance personnel) to wear protective clothing and hats if they present a risk of contamination.

Standards of clothing may differ depending upon the duties carried out. The following would fulfil the requirement:

Personnel preparing open food- clean coat, tunic uniform or similar, plus head covering. Safety shoes should be considered.

Storeman/Driver- Clean coat or over-garment.

Waiters/ waitresses/ bar staff- clean clothing, tunic or uniform.

Staff who prepare 'high risk' food should not travel to their place of work in their protective clothing. They should also remove protective clothing if they leave the premises for other reasons.

Illness Policy

No person, known or suspected to be suffering from, or to be a carrier of, a disease likely to be transmitted through food or while suffering, for example with infected wounds, skin infections, sores or with diarrhoea, shall be permitted to work in any

food area in any capacity in which there is a likelihood of directly or indirectly contaminating food.

When you become aware that you or a member of staff is suffering from one of the conditions listed, you have the legal responsibility to take the necessary action. This may involve exclusion from work altogether, or exclusion from certain jobs.

Any person working in a food handling area must report certain illnesses or conditions to the proprietor where there is a likelihood of them directly or indirectly contaminating the food.

They must immediately report if they:

- Know or suspect that they are suffering from or are a carrier of a disease likely to be transmitted through food.
- Are suffering from an infected wound, a skin infection, sores, diarrhoea or any other condition which involves stomach upset or vomiting.
- It is good practice for the manager to consult the Environmental Protection Section at the Carmarthenshire County Council for advice on the exclusion of the staff member from food handling and on their suitability to return after illness.

Personal Hygiene

Persons working in food handling areas must also practice good hygiene.

They must for example:

- Have clean hands if they are handling food.
- Not smoke or spit in the food handling area.
- Not eat or drink whilst handling food.
- Have clean hair tied back and covered.
- Cover wounds likely to cause risk of contamination of foods (on hands or other exposed parts of the body) with waterproof dressings. It is good practice to use brightly coloured wound dressings that are easy to spot if they come off.
- Not wear jewellery or false nails or nail varnish that may present a risk of contamination.

Sanitary Accommodation

You will need to provide adequate provision of lavatories for catering staff. Lavatories must not lead directly into rooms in which food is handled.

A wash hand basin, with hot water, soap and drying facilities should be provided close to the wc. Toilets must have either natural or mechanical ventilation to prevent (as far as possible) aerosols and offensive odours from permeating food rooms.

Guidelines on the number of toilets needed are given in British Standards BS 6465-1:2006 and the Workplace (Health, Safety & Welfare) Regulations 1992.

Qualifications and Training

The legislation requires those within a food business to have the necessary knowledge to ensure that they do not compromise the safety of food whilst carrying out their duties, whether through the direct handling of food or the management of the business and its food safety management procedure. Compliance cannot be demonstrated simply by having attended a formal training course or the production of a certificate; managers and staff must actively put their knowledge of food hygiene into practice in the workplace, regardless of how this has been gained.

Enforcers will therefore make judgements on compliance based on evidence obtained from:

- **Questioning managers and staff**
- **Observing work practices**
- **Any relevant documentation**

It is good practice to compile records of any training undertaken by staff.

HEALTH AND SAFETY

Fire Safety

You need to ensure that your food business complies with all the requirements laid down in the Regulatory Reform (Fire Safety) Order.

You must carry out a fire risk assessment at your premises and take reasonable fire safety precautions to help protect you, your staff and customers in the event of a fire. The precautions you will need to take will depend on factors such as the size of your premises or the number of employees.

To assist you in the preparation of your Fire Risk Assessment, Guides are available on the Department of Communities and Local Government site under Fire & Resilience. Alternatively they can be purchased from leading book stores. For additional information please contact Mid and West Wales Fire and Rescue Service.

Health and Safety at Work

Etc. Act 1974

Every employer has a duty to ensure, so far as is reasonably practicable the health, safety and welfare at work of all employees, customers, and visitors and on site contractors. This may impact on the design, construction and operation of food premises and you should therefore assess the risk.

You are required to produce a written Health and Safety policy if you employ 5 or more staff. It should be specific to your company and sets out your general policy for protecting the health and safety of your employees at work. The statement is important because it is your basic action plan on Health and Safety, which all your employees should read, understand and follow.

A health and safety policy is basically in **3 parts**:

1. Statement of Intent

State in simple terms your general aims with regard to your employees' health and safety. You may wish to refer to the Health and Safety at Work Act and stress the importance of co-operation from your workforce. The statement should be signed and dated. Organisation for Health and Safety Responsibilities under the Health and Safety at Work Act may be delegated to managers and supervisors. Your statement should show clearly how these duties are allocated. Where key individuals are named their responsibilities must be defined.

2. Arrangements for Health and Safety

You should analyse the activities carried out by your company and think of the hazards that could arise. The hazards could then be listed with rules and precautions for avoiding them. This is called risk assessment. An assessment of the risk is a careful examination of what, in your work, could cause harm to people, so that you can weigh up whether you have taken enough precautions or should do more to prevent harm. The aim is to make sure that no one gets hurt or becomes ill. For more information on risk assessments see the HSE publication **5 steps to risk assessment**.

3. You should also cover the arrangements for dealing with injury, fire and other emergencies and your arrangements for providing instruction, training and supervision necessary to ensure the safe systems are always adopted and adhered to.

Fire Service Headquarters,

Lime Grove Avenue, Carmarthen, SA31 1SP

📞 0370 6060699 📠 01267 220562

✉️ mail@mawwfire.gov.uk 🌐 www.mawwfire.gov.uk

First Aid and Accidents

It is a legal requirement to provide first-aid equipment, trained employees and facilities relative to your size and risks to cover your employees.

All accidents must be recorded in the company's accident book.

These accident books should be reviewed regularly by senior management to ascertain the nature of incidents which have occurred in the workplace. This review should be in addition to an individual investigation of the circumstances surrounding each incident.

Near-misses should also be reported so that action can be taken to investigate the causes and to prevent recurrence.

Any work-related injuries that keep staff off their normal work for more than seven days (or major or fatal injuries) need to be reported. You should also report any injuries to the public arising out of or in connection with work if they are fatal or they involve a person being taken to hospital for treatment. For more information, the HSE publication 'RIDDDOR EXPLAINED' can be accessed here or from the HSE website at

 www.hse.gov.uk/riddor

OTHER CATERING

ESTABLISHMENTS

Mobile Vehicles, Stalls,

Temporary Premises

Structures such as marquees, stalls and vans come under this category and are subject to the same hygiene requirements as other food businesses.

- Mobile Vehicles must not be sited close to sources of contamination or pests.
- If the premises cannot be proofed against pest access, then food must not be stored in the temporary premises unless it is in a storage unit or container that itself prevents access of pests
- Surfaces in contact with food must be in a sound condition and be easy to clean and, where necessary, disinfect. This will require the use of smooth, washable, non toxic materials,
- Food contact surfaces must be cleaned and disinfected frequently.
- Equipment should be clean and free from contamination before the start of a work session.
- Solid waste must be removed frequently from food preparation and storage areas. It must be stored in lidded containers whilst awaiting collection from the site.
- There must be a basin or basins used for hand wash only, provided with hot and cold water or water at a suitable temperature, soap or detergent and a means of hand drying.
- A wholesome supply of hot and cold water must be available for washing tools and equipment together with a supply of detergent. Adequate provision must be made for the cleaning of food stuffs.
- It is good practice to use separate sinks for food washing. Where this is not possible, the sink should be cleaned between different activities.
- Temporary facilities will ideally be connected to a potable supply, preferably the mains water supply. Where this is not practicable, tanked supplies or water bowsers may be used but these must be of a potable standard.

Mobile food businesses may require a STREET TRADING LICENCE before you are allowed to trade.

For an application form you can contact the Licensing team. Their details can be found in the USEFUL CONTACTS section of this leaflet.

Catering from Domestic

Premises

Structures such as marquees, stalls and vans come under this category and are subject to the same hygiene requirements as other food businesses.

This section is aimed to help those people who are planning to set up a business which involves preparing food from their own home.

Like all other food businesses there is a legal requirement that Food business operators must register their establishments with the appropriate competent authority (Carmarthenshire County Council) at least 28 days before commencing business.

For more information on premises registration see the FOOD PREMISES REGISTRATION section.

As the person responsible for making the food it is your responsibility to ensure that the food is safe to eat. As with all other Food businesses you have to comply with:

- Food Safety Act 1990
- Food Hygiene (Wales) Regulations 2006
- Regulation EC No 852/2004 Premises shall be designed, constructed and kept clean and maintained in good repair and condition, to avoid the risk of contaminating foodstuffs and harbouring pests:
- Traditional domestic structural finishes may be satisfactory if they can be kept clean and are maintained in good repair.
- Food contact surfaces must be cleaned and disinfected regularly. They should be clean and disinfected before beginning commercial food preparation.
- A sink with hot & cold water must be available to wash tools and equipment together with a supply of detergent.

- A single mixer tap is acceptable, or water supplied at a regulated temperature from a heating unit. A hot water supply is not essential if a sink is to be used exclusively for food preparation.
- Facilities for hand washing must be available together with soap and water and a means of hand drying.
- Surfaces in contact with food must be in sound condition and be easy to clean and, where necessary, disinfect. This will require the use of smooth, washable, non toxic materials.
- An automatic dishwasher is recommended.
- A wholesome supply of cold water must be available in sinks used to wash food. Cold water from the rising main could be expected to satisfy this requirement.
- Food waste must be removed regularly from the kitchen and stored in lidded bins or containers awaiting removal from site. If commercial food preparation creates significant amounts of food waste, arrangements should be made to have it removed more frequently than normal domestic collection.
- The person operating the food business must ensure that suitable equipment is available to achieve good temperature controls for the type of food preparation that is carried out.
- Many domestic refrigerators may not consistently achieve the temperature required by law, especially units that do not have fan assisted circulations or which are overloaded.
- Equipment must be available to monitor food temperatures.
- Activities that present a risk of food contamination such as the access of pets, and the handling of laundry (especially heavily soiled materials and nappies) must not happen at the same time as food preparation.
- Separate sinks must be provided for food preparation and equipment washing if the volume of preparation in the kitchen demands it.
- If the same sink is to be used at different times for both food preparation and equipment washing, it should be thoroughly cleaned between each procedure.

Transporting Food

If there is a need to transport your food or collect your food from the suppliers it is essential that you must do everything to prevent that food from becoming contaminated with dirt or bacteria.

Several simple steps may be taken to prevent such occurrences:

- Food should be transported in packaging or containers to protect it from contamination
- Vehicles and containers must be kept clean and in good repair
- If raw and cooked foods are being transported together they must be kept apart. This may be achieved by using closed containers.

If foods are required to be refrigerated or frozen then it is essential they are kept at the correct temperature. In such instances cool bags and boxes or refrigerated vehicles should be used.

Distance Selling

Distance selling means any selling carried out without face-to-face contact with the consumer, e.g. via the internet, text messaging, phone calls, faxing, interactive TV or mail order.

Registering Your Business

Like any other food business, when you start a mail order or internet based food business it is a legal requirement that Food business operators must register their establishments with the appropriate competent authority (Carmarthenshire County Council) **at least 28 days before commencing business.**

Contact Trading Standards

You must also seek advice on legal requirements from the Trading Standards Division.

 01267 234567

 tradingstandards@carmarthenshire.gov.uk

How Quickly Should Food be delivered if it is sent by Post or courier?

If foods need refrigerating e.g. fish, meat products, cooked foods they should be delivered as quickly as possible, ideally overnight, and they should be kept cool until delivery.

You must ensure that foods are delivered in a way that they do not become injurious to health or unfit for human consumption.

When the customer places an order, make sure the consumer knows when they can expect delivery. If foods that need refrigerating are delivered late, this might mean they haven't been kept cool enough.

How should you Package Food for Posting

You should send food in packaging that is strong enough to remain intact. Foods that need refrigerating must be kept cool while they are being transported. Sometimes they will need to be packed in an insulated box with a coolant gel, or in a cool bag. Any packaging should be capable of protecting the food whilst in transit.

Legal Requirements

If you are selling food by mail order, via the internet etc like all food businesses you have a duty to ensure that all food being produced and sold is both safe and wholesome and the food you sell is subject to the full body of UK food law as already explained above.

You should bear in mind in particular when considering the safety aspects of selling food by distance selling the condition which the food is likely to be in when it reaches the purchaser.

The main law on distance selling is the Consumer Protection (Distance Selling) Regulations 2000. A guide to the regulations is available from the Office of Fair Trading website.

If you are selling via the internet the Electronic Commerce (EC DIRECTIVE) Regulations 2002 will also apply to your business. A guide to these regulations is available from the Department for Business Innovation & Skills Website.

For more guidance on distance selling please see the 'Useful Publications' section of this booklet.

BUYING AN EXISTING BUSINESS

The following points are a guide to those people thinking of buying an existing food business.

- Do not assume that it meets legal requirements.
- Ask to see a copy of the last food hygiene inspection report.
- Ask if there are any legal notices outstanding. Food safety notices are served on the proprietor of the business, so will not show up on a property search.
- Remember if you want to make any alterations you should check whether they need planning permission and/or building regulations approval.
- Are the layout and equipment suitable for the type of business you want to run?
- Take legal advice.

Utilities

Ensure that you enquire if bills for utilities such as gas, water and electricity supply are up to date and remember to notify your utility providers of the date that you take over.

If you do not notify these companies when you take over the premises you may be liable for previous outstanding bills.

You can Contact Welsh Water by phoning:

 0800 052 0145.

Or you can write to:

Dŵr Cymru Welsh Water
P.O. Box 690
Cardiff
CF23 5WL

PAPERWORK AND FINANCES

Types of Business

The main types of business include:



- **'Sole Trader'** –if you are self employed
- **Partnership** - with another person or more than one person
- **Limited Company**

Before you start trading you will need to decide which business type you fall under. For more information visit the Business Link website:

 www.businesslink.gov.uk

Self Employment

Everyone starting out on their own needs to register with HM Revenue & Customs. You must do this as soon as you start or within the first three months, even if you already use a Self Assessment tax return. There are penalties for not registering. As a self employed person you are responsible for paying your own tax and National Insurance contributions. You will need to fill in a tax return each year.

For more information regarding self employment or tax issues, visit the HM Revenue & Customs website:  www.hmrc.gov.uk, or call the HMRC helpline for newly self-employed people on  08459 15 45 15.

Alternatively, HM Revenue & Customs have produced information leaflets '**Are you thinking of working for your self' & Working for yourself - The Guide**' which are available to download here or to pick up at your local tax office.

If you would like advice about record keeping,
contact HM Revenue & Customs on:
 0845 010 9000 or visit  www.hmrc.gov.uk

VAT Registration

VAT stands for 'Value Added Tax'. VAT registered businesses charge VAT on the goods and services they provide. If your business has a turnover (not just profit) above the 'registration threshold', it must be VAT registered.

As from April 2005, the registration threshold was set at £60,000 a year.

If your business is VAT registered, you will be able to reclaim the VAT you pay to suppliers. And you will also need to charge VAT on certain things.

In general businesses selling food and drink that is ready to eat or drink should charge VAT at the standard rate (15% as of March 09).

Businesses who have a turnover below the registration threshold and who are not registered do not have to charge VAT.

For more information about VAT registration or when you need to charge VAT contact HM Revenue & Customs on:

 0845 010 9000 or visit

 www.hmrc.gov.uk

Record Keeping

It's all about making things easier for you. The law says you must keep appropriate records – also, you would find it difficult to fill in your Self Assessment tax return without them. Bank statements, receipts and cash transaction records are all vital for working out your profits for the year – this information is used to calculate your tax and National Insurance. You must keep all records for at least five years.

Remember to keep all the invoices and receipts for foods that you buy.

Paying Employees

If you are employing people it is your duty to work out and pay your employees' tax and National Insurance contributions. These come out of the wages you pay them.

You will need to keep a record of everything you pay your employees and you must make sure that you keep to employment law concerning issues such as employees rights, minimum wage, working hours, equal opportunities etc.

If you would like advice contact HM Revenue & Customs on the new employers' helpline

 0845 607 0143 or visit

 www.hmrc.gov.uk/newemployers

Illegal-Workers

Any workers employed in the business must have the legal entitlement to work in the United Kingdom (UK). Further information in relation to this can be obtained from the UK Border Agency on Telephone Number:

 0300 123 4699 or on the Website

 www.ukba.homeoffice.gov.uk

NEW FOOD BUSINESS – Key Points

Planning a New Food Business

Consult with Local Authority Environmental Health

The first step in planning a new food business is to consult the Commercial Services Section with whom you will be able to discuss your plans and they will be able to provide verbal advice. It is important to keep the Food & Safety Division updated with any progress you make.

Planning Permission & Building Regulations

If you are starting a food business in premises which are presently not used for this purpose, or you are changing from one type of food business to another or you are thinking about replacing an external fume extraction system or building an external smoking shelter you may need planning permission.

If you are building a new food premises or changing an existing building to accommodate a new food business you may require Building Regulations Approval.

Sanitary Accommodation

You will need to provide an adequate number of customer lavatories if you are running a business classed as a place of entertainment or you are selling food or drink to the public for consumption on the premise.

Appropriate Layout, Design, Construction & Size

You must ensure that the layout, design, construction and size of your food premises:

- Avoids the accumulation of dirt in places inaccessible to cleaning
- Allow food to be prepared safely
- Allow effective cleaning

Adequate Procedures must be in place to ensure pests are controlled.

Provision must be made to allow food handlers to change and to store their street clothes and personal effects away from open foods.

Under the **ENVIRONMENTAL PROTECTION ACT 1990** you have a **DUTY OF CARE** regarding how you dispose of your waste. As commercial refuse is not included in your business rates you must pay for an authorised waste carrier to remove your waste from your premises.

Waste cooking oil **must not** be poured down drains or sewers nor should waste cooking oil be disposed of with the rest of the catering or kitchen waste. Consider installing grease traps.

Disability Considerations

Under the Disability Discrimination Act 1995 you have a legal duty to do what you reasonably can to make your services easier to use by disabled customers.

Pollution

It is necessary to ensure that your premise is not the cause of a Statutory Nuisance to others in neighbouring properties. This covers matters such as smoke, fumes, gases, dust, steam, smell, noise or accumulations or deposits that are prejudicial to health or a nuisance.

Licensing Your Food Premises

If you intend to carry out licensable activities at your premises you will need to have an authorisation under the **Licensing Act 2003**.

These can be through a **Premises Licence**, **club premises certificate** or **temporary event notice**. If you sell alcohol under a premises licence, you will need to appoint a designated premises supervisor who has a personal licence.

Registration of Food Business

It is a legal requirement that Food Business Operators register their establishment with the appropriate Authority (Carmarthenshire County Council), at least 28 days before commencing food operations.

Please remember that it is an offence not to register a food operation with the appropriate local authority.

Disclaimer

This is not a comprehensive list of requirements. For more detail please read the rest of this document. Information in this publication has been reproduced from the 'Starting a New Food Business' booklet.

Individual businesses are responsible for checking how the law applies to them in practice.

NEW FOOD BUSINESS – Key Points



Food Safety Management

Food Safety Management System

Before you start thinking about anything else, you will need to consider the food that you are going to serve and construct your Food Safety Management System. All food businesses are required by law to have a **documented** food safety management system in place based on the principle of **Hazard Analysis Critical Control Point (HACCP)**.

Almost all businesses will need to put into place these procedures but the type of system you will need depends on the size of your business.

For small food businesses the Food Standards Agency has developed a pack **“Safer Food, Better Business”**. This is an innovative and practical approach to food safety management and there are packs available for both **Caterers** and **Retailers**.

If you would like to order a copy of either of these packs call  **0845 606 0667** or email  **foodstandards@ecgroup.uk.com**.

Qualifications & Training

The legislation requires those within a food business to have the necessary knowledge to ensure that they do not compromise the safety of food whilst carrying out their duties, whether through the direct handling of food or the management of the business and its food safety management procedure. Compliance cannot be demonstrated simply by having attended a formal training course or the production of a certificate; managers and staff must actively put their knowledge of food hygiene into practice in the workplace, regardless of how this has been gained.

Traceability

Under Article 18 of EC Regulation No 178/2002, food businesses are required to:

- Identify their suppliers of food, food-producing animals and any other substance intended or expected to be incorporated into food;
- Identify the businesses to which they have supplied products; and
- Produce this information to the competent authorities on demand.

Preventing and Responding to Food Incidents

All businesses, irrespective of size, should be taking all reasonable precautions to ensure that the produce they supply meets safety requirement. Nevertheless, businesses are legally required to inform their local authority if there is reason to believe that food is not compliant with food safety requirements. Businesses should immediately withdraw, or if necessary recall, food if they have reason to believe it is unsafe.

Labelling & Composition of Foods

There are different standards that need to be adhered to depending on whether you will be catering or a food retailer. Nevertheless, you have to ensure that the food you sell is properly labelled and that the food you are using or selling is within its use by dates. In addition the food that you sell must not contain any harmful levels of additives such as artificial colours or preservatives. Similarly, if your food contains ingredients that are irradiated, or genetically modified (GM), you must declare this on the food label, on the menu, or on a notice visible to your customers.

Illness

No person, known or suspected to be suffering from, or to be a carrier of, a disease likely to be transmitted through food or while suffering, for example with infected wounds, skin infections, sores or with diarrhoea, shall be permitted to work in any food area in any capacity in which there is a likelihood of directly or indirectly contaminating food.

Allergens

It's very important for all caterers to be aware about food allergy and to take it seriously. This is because when someone eats a food they are allergic to, even the tiniest amount can cause a very severe reaction called anaphylaxis, which can be life threatening.

Caterers can take some simple steps to try and reduce the chances of food being contaminated with allergens through correct storage, effective cleaning and hand washing, segregation of areas & equipment and training.

More information on allergens and cooking for customers with food allergies can be found on the Food Standards Agency Website at:

 www.food.gov.uk/safereating/allergyintol/caterers

Disclaimer

This is not a comprehensive list of requirements. For more detail please read the rest of this document.

Information in this publication has been reproduced from the 'Starting a New Food Business' booklet.

Individual businesses are responsible for checking how the law applies to them in practice.

USEFUL PUBLICATIONS

Food Standards Agency


Publications

- **Starting up - your first steps to running a catering business - Welsh**
- **Starting up- your first steps to running a catering business- English**
- **Starting up- your first steps to running a catering business- Bengali**
- **Starting up- your first steps to running a catering business- Chinese**
- **Starting up- your first steps to running a catering business- Gujarati**
- **Starting up- your first steps to running a catering business- Hindi**
- **Starting up- your first steps to running a catering business- Punjabi**
- **Starting up- your first steps to running a catering business- Turkish**
- **Food Hygiene- A Guide for businesses**
A general guide to food hygiene regulations
- **Food Law Inspections and Your Business**
Explains the inspections process
- **Eggs: What caterers need to know**
Gives advice for caterers on using eggs safely
- **Keeping Food Cool and Safe**
Advice on how to store food
- **Germs Love to Travel**
Advice on avoiding the spread of germs
- **Food Allergy**
Tips to avoid certain foods
- **Safer Food Better Business for Caterers**
A food safety management pack for caterers
- **Safer Food Better Business for Retailers**
A food safety management pack for retailers
- **Natural Toxins**
Fact sheet what natural toxins are and where they are found

- **Principles for preventing and responding to food incidents**
Advice on how to prevent and respond to food incidents
- **Better Food Labelling Report**
Consumer research into better food labelling

These publications (and more) are available from the Food Standards Agency who can be contacted on:

 0845 607 0667

 Minicom: 0845 606 0678

 020 8867 3225

 foodstandards@ecgroup.uk.com

Health and Safety

Publications

- An introduction to Health and Safety
- COSHH, a brief guide to the regulations
- RIDDOR Explained
- First aid at work
- First steps to risk assessment
- Heat stress in the workplace: what you need to know as an employer
- Managing Health and Safety pays in the catering industry
- Health and safety training pays in the catering industry: Guidance for owners and managers
- The main Health and Safety law applicable to catering
- Safety Signs in the Catering Industry
- Reporting accidents in the catering industry
- Health and safety of new and expectant mothers in the catering industry
- Health and safety of waiting staff
- Health and Safety of Children and young people in catering
- Safe use of cleaning chemicals in the hospitality industry
- Preventing slips and trips in kitchens and food service
- Gas safety in catering and hospitality
- Ventilation of kitchen in catering establishments
- Maintenance priorities in catering
- Planning for Health and Safety when selecting and using catering equipment and workplaces
- Precautions at manually ignited gas-fired catering equipment
- Safety during emptying and cleaning of fryers
- Workplace transport safety in food and drink premises
- Hygiene design of machinery in the food and drink industry
- Preventing falls from height in the food and drink industries
- Reducing noise exposure in the food and drink industries

All these publications are available free from the Health and Safety Executive. You can access these publications via the links above. Alternatively you can visit the HSE website on:

 www.hse.gov.uk/pubns/caterdex.htm

OR you can order publications from:

 www.hsebooks.co.uk

 01787 881165

Distance Selling

- Food Industry Regulations
- Consumer Protection (Distance Selling) Regulations 2000
- Consumer Protection (Distance Selling) (Amendment) Regulations 2005
- A guide to the Consumer Protection (Distance Selling) Regulations
- A guide to the Electronic Commerce (EC Directive) Regulations 2002
- Food Standards Agency Guide for Consumers on Buying Food Online and By Mail Order

Business Link Publications


- The No-Nonsense Guide to Government rules and regulations for setting up your business

This can be accessed via the link above or ordered by:

 publications@dti.gsi.gov.uk

 www.dti.gov.uk/publications

 0845 015 0010

 Textphone: 0845 015 0030

 0845 015 0030


HM Revenue & Customs

- Working for yourself- The Guide
- 'Are you thinking of working for your self'

These publications can be accessed above.

Alternatively they can be ordered from:

 www.hmrc.gov.uk

 0845 9000

 0845 9000 604

Department of Communities

and Local Government

- Making your Premises Safe from Fire
- Fire Safety Risk Assessment Offices and Shops
- Fire Safety Risk Assessment Factories and Warehouses
- Fire Safety Risk Assessment Sleeping Accommodation
- Fire Safety Risk Assessment Residential Care Premises
- Fire Safety Risk Assessment Educational Premises
- Fire Safety Risk Assessment Small and Medium Places of Assembly
- Fire Safety Risk Assessment Large Places of Assembly
- Fire Safety Risk Assessment Theatres, Cinemas and Similar Premises
- Fire Safety Risk Assessment Open Air Events and Venues
- Fire Safety Risk Assessment Healthcare Premises
- Fire Safety Risk Assessment Transport Premises and Facilities
- The Regulatory Reform (Fire Safety) Order 2005

USEFUL CONTACTS

Carmarthenshire County

Council

Environmental Protection Section

 01267 234567

 publicprotection@carmarthenshire.gov.uk

Planning

 01267 246012 / 246015

 01267 237612

 planning@carmarthenshire.gov.uk

Licensing

 01267 234567

 direct@carmarthenshire.gov.uk

Waste Management

 01267 234567

 direct@carmarthenshire.gov.uk

Trading Standards

 01267 234567

 tradingstandards@carmarthenshire.gov.uk

MORE CONTACTS

Mid & West Wales Fire &

Rescue Service

 0370 6060699

 01267 220562

 mail@mawwfire.gov.uk

Business Link (England)

 0845 600 9006

 www.businesslink.gov.uk

Flexible Support for


Businesses (Wales)

 03000 6 03000

 www.business-support-wales.gov.uk

HM Revenue & Customs

New Employers' Helpline:

 0845 607 0143


Helpline for newly self-employed people:

 08459 15 45 15

National Minimum Wage helpline:

 0845 600 0678

VAT Registration:

 0845 010 9000

 www.hmrc.gov.uk

Health & Safety Executive

 0845 345 0055

 www.hse.gov.uk

Equal Opportunities

Commission

 0845 601 5901

 www.eoc.org.uk

Companies House

 0303 1234 500

 www.companies-house.gov.uk

Hcima (Hotel & Catering

International Management

Association)

 020 8661 4900, Website:

 www.instituteofhospitality.org.

British Hospitality Association

 0845 880 7744

 www.bha.org.uk

British Beer & Pub

Association

 020 7627 9191

 www.beerandpub.com

British Institute of Innkeeping

 01276 684449

 www.bii.org